

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TERRELL E. NEWMAN,)
)
)
Plaintiff,)
)
)
v.)
)
)
MIKE MYERS, Director of Douglas)
County Correction,)
)
)
Defendant.)

4:13CV3097

**MEMORANDUM
AND ORDER**

This matter is before the court on its own motion. On May 7, 2013, Plaintiff filed his Complaint in this matter along with a Motion for Leave to Proceed in Forma Pauperis (“IFP”). (Filing Nos. [1](#) and [2](#).) On June 5, 2013, the court granted Plaintiff’s IFP Motion and assessed an initial partial filing fee pursuant to [28 U.S.C. § 1915\(b\)\(1\)](#). (Filing No. [6](#).) In doing so, the court warned Plaintiff that his case would be subject to dismissal if he failed to pay the initial partial filing fee by July 5, 2013. ([Id.](#))

The July 5, 2013, deadline has passed and Plaintiff has not paid the initial partial filing fee in this matter. (*See Docket Sheet.*) Therefore, Plaintiff’s case is dismissed for failing to comply with the court’s orders. *See Fed. R. Civ. Pro. 41(b); see also Conley v. Holden, No. 03-3908, 2004 WL 2202452, at *1 (8th Cir. Sept. 21, 2004)* (affirming district court’s dismissal of inmate’s case for failing to pay the assessed initial partial filing fee).

IT IS THEREFORE ORDERED that:

1. Plaintiff’s Complaint (filing no. [1](#)) is dismissed without prejudice because Plaintiff failed to comply with this court’s orders.

2. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 19th day of July, 2013.

BY THE COURT:

s/ John M. Gerrard
United States District Judge

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